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9 Attorneys for Plaintiff

10  
11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
14

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 CARLOS D. ARAIZA.

19  
20 Defendant.  
21

) No. CR 08-0214 (VRW-JL)

) STIPULATION AND [PROPOSED] ORDER  
) EXCLUDING TIME UNDER 18 U.S.C. § 3161

22 On April 10, 2008, the parties in this case appeared before the Court for a detention  
23 hearing. At the time, this case was continued to May 15, 2008 for a status hearing before the  
24 Honorable Vaughn R. Walker. By Clerk's Notice, the parties have now been informed that the  
25 status hearing has been continued to May 22, 2008. At the time of the April 10, 2008 hearing,  
26 the parties stipulated that time through the date of the status hearing should be excluded from  
27 Speedy Trial Act calculations because, as set forth in more detail here, the government was in the  
28 process of preparing and providing discovery and the defense would require time to review this

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1 discovery in order to adequately prepare a defense. Accordingly, the length of the requested  
2 continuance, from the time of this stipulation, April 11, 2008 hearing until the May 22, 2008  
3 hearing, is the reasonable amount of time necessary for effective preparation of counsel, taking  
4 into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree  
5 that the ends of justice served by this continuance outweigh the best interests of the public and  
6 the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

7  
8 SO STIPULATED.

9 JOSEPH P. RUSSONIELLO  
United States Attorney

10  
11 4-11-2008  
12 Date

  
13 ANDREW S. HUANG  
Assistant United States Attorney

14 SO STIPULATED.

15  
16 4-11-08  
17 Date

  
18 CHARLES C. PIERPOINT III  
19 Counsel for Defendant Carlos D. Araiza  
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**[PROPOSED] ORDER**

For the reasons stated during the April 10, 2008 hearing, and for the reasons identified and stipulated above, the Court finds that the ends of justice served by the requested continuance outweigh the best interests of the public and the defendant in a speedy trial. The Court also finds that time from the date of this Order, April 11, 2008, through May 22, 2008 shall be excluded from Speedy Trial Act calculations for effective preparation of counsel. 18 U.S.C. § 3161(h)(8)(A). Failing to grant the requested continuance would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(iv).

SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE JAMES LARSON  
United States Magistrate Judge